

To: Andrew.Emerson@hklaw.com[Andrew.Emerson@hklaw.com]
From: Korotney, David
Sent: Wed 10/15/2014 6:42:34 PM
Subject: RE: Comments of the Advanced Biofuels Association -- Docket ID No. EPA-HQ-OAR-2014-0575

My apologies. The only rulemaking I am responsible for is the annual standards rulemaking, for which the comment period ended on January 28. I have no involvement in the rule for "Extension of Compliance and Attest Engagement Reporting Deadlines for 2013 Renewable Fuel Standards." You need to ask the docket folks why your comments have not yet appeared in the docket. Alternatively, you can contact another EPA person who is working on that rulemaking (I don't know who that person might be, but you could try John Weihrauch, weihrauch.john@epa.gov).

From: Andrew.Emerson@hklaw.com [mailto:Andrew.Emerson@hklaw.com]
Sent: Wednesday, October 15, 2014 2:23 PM
To: Korotney, David
Subject: RE: Comments of the Advanced Biofuels Association -- Docket ID No. EPA-HQ-OAR-2014-0575

David,

I think we may be misunderstanding each other. The comment period for this docket extended until September 15, 2014. Comments from Brent Erickson of Bio were posted on August 19, 2014, and anonymous comments were posted on September 17th.

Best,
Andy

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Wednesday, October 15, 2014 2:18 PM
To: Emerson, Andrew (WAS - X75118)

Subject: RE: Comments of the Advanced Biofuels Association -- Docket ID No. EPA-HQ-OAR-2014-0575

Any comments submitted to the EPA after the January 28, 2014 deadline cannot be placed onto the public version of the docket. This is an artifact of the way that the regulations.gov website works. Instead, late comments are submitted to a portion of the docket that does not become public until the final rule is released. Thus the ABFA comments, like all comments we have received since January 28, are in a "holding pattern" of sorts. They will become available on regulations.gov when the final rule is released.

From: Andrew.Emerson@hklaw.com [<mailto:Andrew.Emerson@hklaw.com>]

Sent: Wednesday, October 15, 2014 1:48 PM

To: Korotney, David

Subject: FW: Comments of the Advanced Biofuels Association -- Docket ID No. EPA-HQ-OAR-2014-0575

David,

I spoke with Ms. Julia McAllister this morning and she advised me to email you regarding the Advanced Biofuels Association's (ABFA) comments to docket EPA-HQ-OAR-2014-0575-0001. Specifically, ABFA submitted the attached and preceding comments on September 15th, but they do not appear in the online docket folder. Ms. McAllister suggested that you would be able to provide an explanation regarding this apparent discrepancy.

Best regards,

Andy Emerson

for Advanced Biofuels Association

From: Emerson, Andrew (WAS - X75118)

Sent: Monday, September 15, 2014 2:45 PM

To: 'a-and-r-docket@epa.gov'

Subject: Comments of the Advanced Biofuels Association -- Docket ID No. EPA-HQ-OAR-2014-0575

Please find attached the Advanced Biofuels Association's non-adverse comments to EPA's Extension of Compliance and Attest Engagement Reporting Deadlines for 2013 Renewable Fuel Standards, Docket ID No. EPA-HQ-OAR-2014-0575.

We appreciate the opportunity to comment and stand ready to answer any further questions you may have.

Andrew Emerson | Holland & Knight

Associate

800 17th Street, NW Suite 1100 | Washington DC 20006

Phone 202.469.5118 | Fax 202.955.5564 | Cell 603.491.6683

andrew.emerson@hklaw.com | www.hklaw.com

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To: Andrew.Emerson@hklaw.com[Andrew.Emerson@hklaw.com]
From: Korotney, David
Sent: Wed 10/15/2014 6:17:35 PM
Subject: RE: Comments of the Advanced Biofuels Association -- Docket ID No. EPA-HQ-OAR-2014-0575

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We appreciate the opportunity to comment and stand ready to answer any further questions you may have.

Andrew Emerson | Holland & Knight
Associate
800 17th Street, NW Suite 1100 | Washington DC 20006
Phone 202.469.5118 | Fax 202.955.5564 | Cell 603.491.6683
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To: Ifitzgerald@biodiesel.org[Ifitzgerald@biodiesel.org]
Cc: MacAllister, Julia[MacAllister.Julia@epa.gov]
From: Korotney, David
Sent: Tue 4/29/2014 2:18:20 PM
Subject: FW: 2014 RVO RFS comments

Lindsay,

Anything that we submit to the docket after Jan 28 goes into a portion of the docket that stays hidden from public view until the final rule is released.

That said, I looked for the Nixon letter you cited and couldn't find it. My suggestion is to contact Venu Ghanta, as he is the one who has been dealing with all incoming letters from governors and congressmen.

David

From: MacAllister, Julia
Sent: Tuesday, April 29, 2014 9:20 AM
To: Korotney, David
Subject: FW: 2014 RVO RFS comments

From: Lindsay Fitzgerald [mailto:Ifitzgerald@biodiesel.org]
Sent: Monday, April 28, 2014 3:02 PM
To: MacAllister, Julia
Cc: Joe Jobe
Subject: 2014 RVO RFS comments

Good Afternoon Julia-

I am trying to locate a copy of Missouri Governor Jeremiah “Jay” Nixon’s comments on the 2014 RVO.

Regulations.gov had it included as “supporting and related material” but when you click on it the page says: “*FDMS 4 posted documents in a phase without a published FR. Document status will change to posted at publication.*”

It also says the comments were not accepted.

I can’t seem to find a copy of these comments anywhere. Is this something you can help me with?

Thanks,

Lindsay

Lindsay Fitzgerald

Director, Regulatory Affairs

National Biodiesel Board

O: (202) 737-8801

C: (610) 639-0048

lfitzgerald@biodiesel.org

www.biodiesel.org

To: Larry Schafer[Lschafer@biodiesel.org]
From: Korotney, David
Sent: Mon 4/7/2014 7:52:31 PM
Subject: RE: NBB Meeting next week?

You are coming to Ann Arbor, right?

From: Ischafer@dcdiamondgroup.com [mailto:lschafer@dcdiamondgroup.com] **On Behalf Of** Larry Schafer
Sent: Monday, April 07, 2014 3:52 PM
To: Korotney, David
Cc: Burkholder, Dallas; Argyropoulos, Paul; Hengst, Benjamin; Machiele, Paul
Subject: RE: NBB Meeting next week?

David

We can probably get it done in an hour ...

=====

Larry Schafer

t: 202.997.8072

=====

On Apr 7, 2014 3:25 PM, "Korotney, David" <korotney.david@epa.gov> wrote:

We can do that.

However, any chance we can cover everything in one hour rather than two? I don't know what you had in mind, but we won't be able to share much on where we are at in the process anyway.

From: Ischafer@dcdiamondgroup.com [mailto:lschafer@dcdiamondgroup.com] **On Behalf Of** Larry Schafer
Sent: Monday, April 07, 2014 2:46 PM
To: Korotney, David

Cc: Hengst, Benjamin; Argyropoulos, Paul; Burkholder, Dallas; Machiele, Paul
Subject: RE: NBB Meeting next week?

David

Can we do Monday the 14th at 1 to 3 pm?

=====

Larry Schafer

t: 202.997.8072

=====

On Apr 4, 2014 1:16 PM, "Korotney, David" <korotney.david@epa.gov> wrote:

Here's where I think we could fit 2 hours. Let me know what you'd like to do.

Mon April 14: 1:00pm - 3:00pm or 2:00pm - 4:00pm

Tue April 15: 9:30am - 11:30am or 1:00pm - 3:00pm

Thur April 17: 2:00pm - 4:00pm

From: Larry Schafer [<mailto:lschafer@biodiesel.org>]

Sent: Friday, April 04, 2014 1:05 PM

To: Korotney, David; Larry Schafer; Machiele, Paul; Burkholder, Dallas

Subject: RE: NBB Meeting next week?

How about Monday or Tuesday the 14th or 15th ...

Chris is welcome to attend ... but am guessing his schedule is rather full ...

Larry Schafer

National Biodiesel Board

O: 202.737.8801

M: 202.997.8072

L.Schafer@Biodiesel.org

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Suite 505

Washington DC 20004

From: Korotney, David [mailto:korotney.david@epa.gov]

Sent: Friday, April 04, 2014 1:00 PM

To: Larry Schafer; Machiele, Paul; Burkholder, Dallas

Subject: RE: NBB Meeting next week?

We can certainly schedule something, but finding a date that works in the next week+ will be tricky. Paul is out of the office April 7 - 11, and it would be preferable that he attend.

Were you thinking of including Chris Grundler? If so, he is out of the office April 9.

Also, there are a number of DC folks who would very much want to attend as well. Their availability is spotty for next week, though for you I'm sure we could move some things around.

From: Larry Schafer [<mailto:lschafer@biodiesel.org>]
Sent: Friday, April 04, 2014 12:23 PM
To: Machiele, Paul; Korotney, David; Burkholder, Dallas
Subject: NBB Meeting next week?

Paul, David and Dallas:

We would like to bring a small team (Larry, Alan Weber, Anne Steckel and Lindsay Fitzgerald) to Ann Arbor next week to discuss NBB's comments and the 2014-15 RVO process.

Wednesday the 9th looks to be the best day for us ... Is there any chance we can carve out a piece of your time -- perhaps 2 hours -- on that day?

Please let me know.

Thank you.

Larry Schafer

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L.Schafer@Biodiesel.org

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To: Larry Schafer[Lschafer@biodiesel.org]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]; Machiele, Paul[machiele.paul@epa.gov]
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Subject: RE: NBB Meeting next week?

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Larry Schafer

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M: [202.997.8072](tel:202.997.8072)

LSchafer@Biodiesel.org

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Cc: Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov];
Argyropoulos, Paul[Argyropoulos.Paul@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Korotney, David
Sent: Fri 4/4/2014 5:16:03 PM
Subject: RE: NBB Meeting next week?

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To: Larry Schafer[lschafer@biodiesel.org]; Machiele, Paul[machiele.paul@epa.gov]; Burkholder, Dallas[burkholder.dallas@epa.gov]
From: Korotney, David
Sent: Fri 4/4/2014 5:00:09 PM
Subject: RE: NBB Meeting next week?

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LSchafer@Biodiesel.org

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Washington DC 20004

To: Welti, Tyler (Perkins Coie)[TWelti@perkinscoie.com]
Cc: MacAllister, Julia[MacAllister.Julia@epa.gov]
From: Korotney, David
Sent: Mon 3/17/2014 4:33:44 PM
Subject: RE: Docket ID No. EPA-HQ-OAR-2013-0479 [Supplemental Comment on Regulation of Fuels and Fuel Additives: Renewable Fuel Standards]

Thank you for your letter. I have forwarded it on to Mary Manners and John Weihrauch in our Compliance Division.

David

From: MacAllister, Julia
Sent: Monday, March 17, 2014 12:20 PM
To: Korotney, David
Subject: FW: Docket ID No. EPA-HQ-OAR-2013-0479 [Supplemental Comment on Regulation of Fuels and Fuel Additives: Renewable Fuel Standards]

From: Welti, Tyler (Perkins Coie) [mailto:TWelti@perkinscoie.com]
Sent: Friday, March 14, 2014 5:40 PM
To: Group A-AND-R-DOCKET; MacAllister, Julia; OTAQ
Subject: Docket ID No. EPA-HQ-OAR-2013-0479 [Supplemental Comment on Regulation of Fuels and Fuel Additives: Renewable Fuel Standards]

Dear EPA,

On behalf of Hermes Consolidated, LLC, doing business as Wyoming Refining Company, I am submitting for your consideration the attached supplemental comment letter on EPA's proposed rule entitled 2014 Standards for the Renewable Fuel Standard Program ("RFS2"), 78 Fed. Reg. 71,732 (Nov. 29, 2013).

Please let me know if you have any questions or if there is anything else we can do to help ensure that EPA considers this comment.

Regards

Tyler

Tyler Welti | Perkins Coie LLP

700 13th St. NW
Washington, DC 20005-3960
(202) 654-6214 office
(202) 654-9143 fax

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To: Ifitzgerald@biodiesel.org[Ifitzgerald@biodiesel.org]
From: Korotney, David
Sent: Wed 12/4/2013 6:01:46 PM
Subject: FW: Company name update

FYI, Kerry informed us that he will not be speaking at the hearing.

From: MacAllister, Julia
Sent: Wednesday, December 04, 2013 12:58 PM
To: Korotney, David
Cc: Iffland, JoNell
Subject: FW: Company name update

I will send some email your way because David will be on a plane.

From: Lindsay Fitzgerald [mailto:Ifitzgerald@biodiesel.org]
Sent: Wednesday, December 04, 2013 12:37 PM
To: MacAllister, Julia
Subject: Company name update

Hey Julia-

Thanks again for all of your work on this hearing.

2 things:

Could you change the company name for Gary Haer? It should be Renewable Energy Group, Inc.

Kerry Fogarty (Panel 21) should have Incobrasa Industries, Ltd. Listed as his company.

Thanks!

Lindsay

Lindsay Fitzgerald

Director, Regulatory Affairs

National Biodiesel Board

O: (202) 737-8801

C: (610) 639-0048

lfitzgerald@biodiesel.org

www.biodiesel.org

To: BColeman@advancedethanol.org[BColeman@advancedethanol.org]
From: Korotney, David
Sent: Wed 12/4/2013 2:54:33 PM
Subject: FW: Dec 5 RVO Hearing

Both you and Ben McMakin are on Panel 10.

From: MacAllister, Julia
Sent: Wednesday, December 04, 2013 9:38 AM
To: Korotney, David
Subject: FW: Dec 5 RVO Hearing

From: Brooke Coleman [mailto:BColeman@advancedethanol.org]
Sent: Wednesday, December 04, 2013 7:49 AM
To: MacAllister, Julia
Subject: RE: Dec 5 RVO Hearing

Hi Julia,

It may be locked down already, but it would be great to be on a panel with enerkem (my member) if possible. Just a shot in the dark. And as I requested, earlier the better for us. Thanks!!

From: MacAllister, Julia [MacAllister.Julia@epa.gov]
Sent: Tuesday, November 26, 2013 12:47 PM
To: Brooke Coleman
Subject: RE: Dec 5 RVO Hearing

Mr. Coleman:

Thank you for your interest in attending the hearing for the 2014 standards under the Renewable Fuel Standard program. Below is some additional information.

If you intend to provide verbal testimony, please be sure to let me know (if you have not done so already) so that I can add your name to the agenda. Speakers should plan on having no more than 5 minutes each to provide verbal testimony. If there is a change to the amount of time allotted to each speaker based on a higher than expected number of speakers, this will be announced at the beginning of the hearing.

The order of speakers will not be available until the day before the hearing. However, let me know if you have a preference for a particular time period in which to provide your verbal testimony and I will make every effort to accommodate it in the agenda.

There will be a call-in number for those who cannot attend in person. Once it becomes available, this number will be provided on our website at :

<http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>

The call-in number will allow remote participants to listen to the testimony, but they will not be able to provide verbal testimony over the phone or to ask questions.

If you plan to bring written testimony, please bring two copies and turn them in at the registration desk. Since all testimony will be submitted to the docket for this rulemaking, please also send an electronic version of your written testimony to me either before the hearing or shortly thereafter.

Julia Brady MacAllister

Senior Service of America, Inc

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Cooperative Agreement

Under the (SEE) Program

734.214.4131

macallister.julia@epa.gov

To: bjennings@ethanol.org[bjennings@ethanol.org]
From: Korotney, David
Sent: Wed 12/4/2013 2:47:57 PM
Subject: FW: Agenda and Panel Assignments for December 5, 2013 RFS Hearing

Got it.

From: MacAllister, Julia
Sent: Wednesday, December 04, 2013 9:27 AM
To: Korotney, David
Subject: FW: Agenda and Panel Assignments for December 5, 2013 RFS Hearing

From: Brian Jennings [mailto:bjennings@ethanol.org]
Sent: Wednesday, December 04, 2013 9:24 AM
To: MacAllister, Julia
Cc: jonathon@americancapitolgroup.com
Subject: RE: Agenda and Panel Assignments for December 5, 2013 RFS Hearing

Julia you mistakenly have me listed on panel 3. Jonathan Lehman will be the one testifying at the hearing for the American Coalition for Ethanol. Thanks.

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: "MacAllister, Julia" <MacAllister.Julia@epa.gov>
Date: 12/04/2013 8:03 AM (GMT-06:00)
To: "Korotney, David" <korotney.david@epa.gov>
Subject: Agenda and Panel Assignments for December 5, 2013 RFS Hearing

The attached agenda and list of panel assignments may change depending on a number of factors, but we will make every effort to keep changes to a minimum. See you all tomorrow.

To: Geoff Cooper[GCooper@ethanolrfa.org]
From: Korotney, David
Sent: Mon 12/2/2013 2:20:28 PM
Subject: RE: Are you testifying at the Dec 5 RFS hearing?

Thanks.

From: Geoff Cooper [mailto:GCooper@ethanolrfa.org]
Sent: Monday, December 02, 2013 9:13 AM
To: Korotney, David
Subject: RE: Are you testifying at the Dec 5 RFS hearing?

David,

It will be Bob Dinneen testifying for RFA at the hearing. I will not be providing verbal comments at the hearing.

Thanks.

Geoff

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Monday, December 02, 2013 7:47 AM
To: Geoff Cooper
Subject: Are you testifying at the Dec 5 RFS hearing?

Mr. Cooper,

I'm in the process of cleaning up our database of participants in the December 5 RFS

hearing in DC. I have a note that you are attending, but it wasn't clear to me if you intend to provide verbal testimony. Do you intend to testify?

To: Gcooper@ethanolrfa.org[Gcooper@ethanolrfa.org]
From: Korotney, David
Sent: Mon 12/2/2013 1:47:08 PM
Subject: Are you testifying at the Dec 5 RFS hearing?

Mr. Cooper,

I'm in the process of cleaning up our database of participants in the December 5 RFS hearing in DC. I have a note that you are attending, but it wasn't clear to me if you intend to provide verbal testimony. Do you intend to testify?

To: TBuis@GrowthEnergy.org[TBuis@GrowthEnergy.org]
From: Korotney, David
Sent: Mon 12/2/2013 1:39:40 PM
Subject: Are you testifying at Dec 5 hearing?

Mr. Buis,

I'm in the process of cleaning up our database of participants in the December 5 RFS hearing in DC. I have a note that you are attending, but it wasn't clear to me if you intend to provide verbal testimony. Do you intend to testify?

To: cfindlay@ethanolrfa.org[cfindlay@ethanolrfa.org]
From: Korotney, David
Sent: Thur 11/21/2013 5:55:00 PM
Subject: Participation in "Discussion and Q&A on EPA's statutory authority to reduce the total RVO numbers by more than the advanced and cellulosic numbers."

I plan to participate in this conference.

To: TBuis@GrowthEnergy.org[TBuis@GrowthEnergy.org]
From: Korotney, David
Sent: Tue 10/29/2013 7:58:56 PM
Subject: Looking for E85 consumption and price data

Tom,

In the course of our work on the RFS program, we at the staff level regularly get asked basic questions about E85, such as the volume that is actually being consumed now and what its price is. We've turned to EIA and publically available sources such as E85prices.com, but we are finding that there are significant uncertainties in all sources available to us. So, I thought I would reach out to those in industry who might have a better handle on this sort of thing.

In the ideal, we would be able to get our hands on weekly E85 consumption at every one of the 3000 stations that currently offer it, along with the relative prices of E85 and E10 at those same stations. I know that that's pretty unlikely, but I'd still like to see what we can get. Do you have any thoughts on how we might be able to get data along these lines?

Thanks,

David

To: Brian Jennings[bjennings@ethanol.org]
Cc: Ron Lamberty[rlamberty@ethanol.org]
From: Korotney, David
Sent: Thur 10/24/2013 12:00:40 PM
Subject: RE: Data on E85 consumption and associated prices

Believe it or not, my entire day got filled with meetings since the e-mail I sent you on Tuesday. At this point the only options are on Friday, 11am - noon or between 1pm and 3pm.

From: Brian Jennings [mailto:bjennings@ethanol.org]
Sent: Wednesday, October 23, 2013 4:46 PM
To: Korotney, David
Cc: Ron Lamberty
Subject: RE: Data on E85 consumption and associated prices

Can we do Thursday at 9:30 central/10:30 your time?

Brian

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Tuesday, October 22, 2013 2:59 PM
To: Brian Jennings
Subject: RE: Data on E85 consumption and associated prices

Below are some times that could work:

Wed Oct 23: Any time except 10am - noon and 3 - 5pm

Thur Oct 24: Any time except 11am - noon and 2 - 4pm

Fri Oct 25: Any time except 9 - 11am and 3 - 5pm

From: Brian Jennings [<mailto:bjennings@ethanol.org>]
Sent: Tuesday, October 22, 2013 3:50 PM
To: Korotney, David
Subject: RE: Data on E85 consumption and associated prices

David,

Yes, but I'd want Ron Lamberty of ACE to join us on the call, because he knows more about this than me. Let me find out his availability. If this doesn't work today does Wednesday work??

Brian

From: Korotney, David [<mailto:korotney.david@epa.gov>]
Sent: Tuesday, October 22, 2013 2:31 PM
To: Brian Jennings
Subject: Data on E85 consumption and associated prices

Brian,

Do you have time for a 15 minute call? I'm trying to get a better handle on the volumes of E85 that are actually being consumed today, including where those volumes are being sold and at what price. EIA's data is woefully inadequate, and I'm having difficulty finding anything concrete. I'd like to find out if RFA has collected such data, or can help me find any such data. I already know about the data posted by Minnesota and Iowa, but I'm looking for more.

If someone other than yourself would make more sense to discuss this with, let me know.

Thanks,

David

To: Brian Jennings[bjennings@ethanol.org]
From: Korotney, David
Sent: Tue 10/22/2013 7:59:20 PM
Subject: RE: Data on E85 consumption and associated prices

Below are some times that could work:

Wed Oct 23: Any time except 10am - noon and 3 - 5pm

Thur Oct 24: Any time except 11am - noon and 2 - 4pm

Fri Oct 25: Any time except 9 - 11am and 3 - 5pm

From: Brian Jennings [mailto:bjennings@ethanol.org]
Sent: Tuesday, October 22, 2013 3:50 PM
To: Korotney, David
Subject: RE: Data on E85 consumption and associated prices

David,

Yes, but I'd want Ron Lamberty of ACE to join us on the call, because he knows more about this than me. Let me find out his availability. If this doesn't work today does Wednesday work??

Brian

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Tuesday, October 22, 2013 2:31 PM
To: Brian Jennings
Subject: Data on E85 consumption and associated prices

Brian,

Do you have time for a 15 minute call? I'm trying to get a better handle on the volumes of E85 that are actually being consumed today, including where those volumes are being sold and at what price. EIA's data is woefully inadequate, and I'm having difficulty finding anything concrete. I'd like to find out if RFA has collected such data, or can help me find any such data. I already know about the data posted by Minnesota and Iowa, but I'm looking for more.

If someone other than yourself would make more sense to discuss this with, let me know.

Thanks,

David

To: bjennings@ethanol.org[bjennings@ethanol.org]
From: Korotney, David
Sent: Tue 10/22/2013 7:30:54 PM
Subject: Data on E85 consumption and associated prices

Brian,

Do you have time for a 15 minute call? I'm trying to get a better handle on the volumes of E85 that are actually being consumed today, including where those volumes are being sold and at what price. EIA's data is woefully inadequate, and I'm having difficulty finding anything concrete. I'd like to find out if RFA has collected such data, or can help me find any such data. I already know about the data posted by Minnesota and Iowa, but I'm looking for more.

If someone other than yourself would make more sense to discuss this with, let me know.

Thanks,

David

To: Lindsay Fitzgerald[lifitzgerald@biodiesel.org]
From: Korotney, David
Sent: Thur 10/17/2013 2:01:11 PM
Subject: RE: touching base when you return...

I just found out that an earlier draft of the 2014 RFS proposal got leaked. If that's what you wanted to discuss, I'll have to decline.

From: Lindsay Fitzgerald [mailto:lfitzgerald@biodiesel.org]
Sent: Thursday, October 17, 2013 9:09 AM
To: Korotney, David
Subject: RE: touching base when you return...

Well...since I can't take you for coffee...do you have time to chat...2014??

LF

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Thursday, October 17, 2013 9:07 AM
To: Lindsay Fitzgerald
Subject: RE: touching base when you return...

I'm back. Let me know what you need.

From: Lindsay Fitzgerald [mailto:lfitzgerald@biodiesel.org]
Sent: Wednesday, October 16, 2013 10:00 AM
To: Korotney, David
Subject: touching base when you return...

I can't believe we are in week 3...this is crazy.

Whenever this is over, and you discover this email in your overflowing inbox, would you give me a call or shoot me an email.

Just wanted to touch base and request some guidance.

Thanks,

Lindsay

Lindsay Fitzgerald

Director, Regulatory Affairs

National Biodiesel Board

O: (202) 737-8801

C: (610) 639-0048

lfitzgerald@biodiesel.org

www.biodiesel.org

To: Bromer, Alexandra Magill (Perkins Coie)[ABromer@perkinscoie.com]
Cc: Johnson Koch, LeAnn M. (Perkins Coie)[LeAnnJohnson@perkinscoie.com]
From: Korotney, David
Sent: Thur 8/1/2013 2:56:37 PM
Subject: RE: RFS2 question regarding deficit carryover

My responses are below in blue.

From: Bromer, Alexandra Magill (Perkins Coie) [mailto:ABromer@perkinscoie.com]
Sent: Thursday, August 01, 2013 10:28 AM
To: Korotney, David
Cc: Johnson Koch, LeAnn M. (Perkins Coie)
Subject: RFS2 question regarding deficit carryover

Hello David –

I have a couple of RFS2 questions that I am hoping you can clarify. They are both related to the deficit carryover provision at 40 CFR 80.1427, which reads:

(b) Deficit carryovers. (1) An obligated party or an exporter of renewable fuel that fails to meet the requirements of paragraph (a)(1) or (a)(7) of this section for calendar year i is permitted to carry a deficit into year i+1 under the following conditions:

(i) The party did not carry a deficit into calendar year i from calendar year i-1 for the same RVO.

(ii) The party subsequently meets the requirements of paragraph (a)(1) of this section for calendar year i+1 and carries no deficit into year i+2 for the same RVO.

We have two related questions:

1. Does the phrase “for the same RVO” in the regulations allow parties to treat the 4 categories of renewables as separate RVOs for carryover purposes (cellulosic, biomass based diesel, advanced renewables, and total renewables)? Yes. If you carried over a deficit from last year to this year for BBD but not advanced, you are precluded from carrying over a deficit from this year to next year for BBD but you are allowed to carry over a deficit from this year to next year for advanced.
2. If an obligated party met its 2012 obligations for the first 3 categories, can it carryover its’ 2013 obligations for those categories into 2014 with a compliance date of Feb 2015? Yes.

Please let me know if these questions are not clear and I will try to re-phrase. Thank you in advance for your guidance on these issues.

Best,

Alix Bromer

Alexandra Magill Bromer | Perkins Coie LLP

Environment, Energy & Resources

700 13th Street, NW

Washington, DC 20005

 : 202.654.6218 (office)

 : 202.531.6144 (mobile)

abromer@perkinscoie.com

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* * * * *

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To: Welti, Tyler (Perkins Coie)[TWelti@perkinscoie.com]
From: Korotney, David
Sent: Mon 7/8/2013 2:16:52 PM
Subject: RE: RFS2 obligated party question - ISO EPA guidance

The fact that either the gasoline or the ethanol has been produced by a "third party" should be irrelevant. The only thing that matters is whether the party who is doing the blending of the ethanol and gasoline is an obligated party or not, based on other activities that he engages in. If a party is an obligated party, then he must separate RINs when he takes ownership of ethanol. If the party is not an obligated party, then he can only separate RINs if he actually blends the ethanol into gasoline.

From: Welti, Tyler (Perkins Coie) [mailto:TWelti@perkinscoie.com]
Sent: Monday, July 08, 2013 10:04 AM
To: Korotney, David
Subject: RE: RFS2 obligated party question - ISO EPA guidance

David,

Thanks for the speedy response. Let me try to clarify the focus of the question—our client is a refiner of gasoline and thus there is no question that it is considered an obligated party under § 80.1406 and has an RVO. Under § 80.1429(b)(1), as an obligated party, our client must separate any RINs that have been assigned to a volume of ethanol when our client takes ownership of that volume. However, as you note in your email, a party that simply blends ethanol into gasoline does not separate RINs from a volume of ethanol upon taking ownership of that volume; instead the blender must separate RINs from the volume of ethanol upon blending the volume with gasoline.

Our client intends to purchase third-party produced neat gasoline and blend it with third-party refined ethanol. With respect to these volumes of third-party produced neat gasoline and ethanol, our client—which is otherwise a refiner—is acting as a blender. In this scenario it is unclear under Section 80.1429(b)(1) whether our client must separate RINs upon taking ownership of the third-party ethanol or, instead, when later blending that third-party ethanol with third-party gasoline. In other words, we're trying to figure out when a refiner must separate RINs when operating as a blender (blending third-party produced ethanol with third-party produced neat gasoline). The answer depends on whether EPA considers our client (a refiner) a non-obligated blender or an obligated refiner when our client acquires third-party produced ethanol to blend with third-party produced neat gasoline.

Does that clarify the question sufficiently? It's about the timing of RIN separation in this context of a refiner acting as a blender. Thank you again.

Regards,

Tyler

Tyler Welti | Perkins Coie LLP

700 13th St. NW
Washington, DC 20005-3960
(202) 654-6214 office
(202) 654-9143 fax

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Monday, July 08, 2013 8:56 AM
To: Welti, Tyler (Perkins Coie)
Subject: RE: RFS2 obligated party question - ISO EPA guidance

Not sure I understand the confusion, so let me just state simply what the regs require.

Any party that produces or imports gasoline incurs an RVO for that volume. This includes RBOB and CBOB as described in 80.1406(c). Thus, no party downstream of this producer or importer should incur an RVO for that same volume.

Also, all renewable fuel is excluded from RVOs, as described in 80.1406(f)(1).

Therefore, a party that blends ethanol into gasoline does not incur an RVO, and has the responsibility to separate RINs from the ethanol he blended.

From: Welti, Tyler (Perkins Coie) [<mailto:TWelti@perkinscoie.com>]
Sent: Friday, July 05, 2013 2:55 PM
To: Korotney, David
Subject: RFS2 obligated party question - ISO EPA guidance

Hi David,

I'm contacting you because you were very helpful in answering an RFS2 question last time Julia MacAllister referred us to you. We've tried to obtain an answer to the following question through the EPA Fuels Program Support Line via email and phone, but the contractor has not provided an answer. We also posted the question on the FAQ section of the EPA website a month ago (ticket 23002-450339), but we haven't heard back on that either. So we're hoping you or someone else at EPA can provide some clarity about the following issue, which has an immediate impact on our client, who wants to ensure compliance with reporting requirements under RFS2. The client is a refiner that is not considered a small refiner.

Short version of question: Under 40 C.F.R. § 80.1406, is a refiner considered an obligated party or, instead, a non-obligated "party that simply blends renewable fuel into gasoline" when that refiner purchases and "simply blends" third party neat gasoline with third party ethanol?

More detailed version of question: Refiner A buys neat gasoline from Refiner B, and blends it with ethanol that Refiner A purchased from Producer C. With respect to gasoline purchased from and produced by Refiner B and ethanol purchased from and produced by Producer C, Refiner A "simply blends renewable fuel into gasoline or diesel fuel" 40 C.F.R. § 80.1406. In purchasing and "simply blending" this third party

gasoline and ethanol, is Refiner A considered an obligated party, or is Refiner A considered “[a] party that simply blends renewable fuel into gasoline or diesel fuel, as defined in § 80.1407(c) or (e), [and thus] not an obligated party”? 40 C.F.R. § 80.1406.

This question is relevant to determining when RINs must be separated pursuant to § 80.1429(b)(1) and recorded in EMTS by Refiner A—i.e., upon acquisition of the third party renewable fuel by Refiner A or upon Refiner A blending that third party renewable fuel with third party gasoline.

We have reviewed federal register notices and all other EPA guidance on RFS to try to find an answer to this question, but we haven’t found an answer.

Thank you very much for your assistance.

Regards

Tyler

Tyler Welti | Perkins Coie LLP

700 13th St. NW
Washington, DC 20005-3960
(202) 654-6214 office
(202) 654-9143 fax

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* * * * *

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To: Welti, Tyler (Perkins Coie)[TWelti@perkinscoie.com]
From: Korotney, David
Sent: Mon 7/8/2013 12:55:45 PM
Subject: RE: RFS2 obligated party question - ISO EPA guidance

Not sure I understand the confusion, so let me just state simply what the regs require.

Any party that produces or imports gasoline incurs an RVO for that volume. This includes RBOB and CBOB as described in 80.1406(c). Thus, no party downstream of this producer or importer should incur an RVO for that same volume.

Also, all renewable fuel is excluded from RVOs, as described in 80.1406(f)(1).

Therefore, a party that blends ethanol into gasoline does not incur an RVO, and has the responsibility to separate RINs from the ethanol he blended.

From: Welti, Tyler (Perkins Coie) [mailto:TWelti@perkinscoie.com]
Sent: Friday, July 05, 2013 2:55 PM
To: Korotney, David
Subject: RFS2 obligated party question - ISO EPA guidance

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that either. So we're hoping you or someone else at EPA can provide some clarity about the following issue, which has an immediate impact on our client, who wants to ensure compliance with reporting requirements under RFS2. The client is a refiner that is not considered a small refiner.

Short version of question: Under 40 C.F.R. § 80.1406, is a refiner considered an obligated party or, instead, a non-obligated “party that simply blends renewable fuel into gasoline” when that refiner purchases and “simply blends” third party neat gasoline with third party ethanol?

More detailed version of question: Refiner A buys neat gasoline from Refiner B, and blends it with ethanol that Refiner A purchased from Producer C. With respect to gasoline purchased from and produced by Refiner B and ethanol purchased from and produced by Producer C, Refiner A “simply blends renewable fuel into gasoline or diesel fuel” 40 C.F.R. § 80.1406. In purchasing and “simply blending” this third party gasoline and ethanol, is Refiner A considered an obligated party, or is Refiner A considered “[a] party that simply blends renewable fuel into gasoline or diesel fuel, as defined in § 80.1407(c) or (e), [and thus] not an obligated party”? 40 C.F.R. § 80.1406.

This question is relevant to determining when RINs must be separated pursuant to § 80.1429(b)(1) and recorded in EMTS by Refiner A—i.e., upon acquisition of the third party renewable fuel by Refiner A or upon Refiner A blending that third party renewable fuel with third party gasoline.

We have reviewed federal register notices and all other EPA guidance on RFS to try to find an answer to this question, but we haven't found an answer.

Thank you very much for your assistance.

Regards

Tyler

Tyler Welti | Perkins Coie LLP

700 13th St. NW
Washington, DC 20005-3960
(202) 654-6214 office
(202) 654-9143 fax

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* * * * *

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To: Johnson Koch, LeAnn M. (Perkins Coie)[LeAnnJohnson@perkinscoie.com]
Cc: Pici, Frank[Frank.Pici@monroe-energy.com]; Watkins, Sharon[Sharon.Watkins@monroe-energy.com]; christopher.ruggiero@monroe-energy.com[christopher.ruggiero@monroe-energy.com]
From: Korotney, David
Sent: Mon 6/17/2013 1:00:37 PM
Subject: RE: Comment Submission on Regulation of Fuels and Fuel Additives: Renewable Fuel Standards, Docket ID No. EPA-HQ-OAR-2012-0546

Since this was submitted after the comment period closed, the docket folks won't add it to the docket as a stakeholder comment in response to the NPRM. But I will add it as supplementary material.

David

From: Carraway, Carla S. (Perkins Coie) [mailto:CCarraway@perkinscoie.com] **On Behalf Of** Johnson Koch, LeAnn M. (Perkins Coie)
Sent: Friday, June 14, 2013 5:26 PM
To: Group A-AND-R-DOCKET; MacAllister, Julia; Korotney, David
Cc: Johnson Koch, LeAnn M. (Perkins Coie); Pici, Frank; Watkins, Sharon; christopher.ruggiero@monroe-energy.com
Subject: Comment Submission on Regulation of Fuels and Fuel Additives: Renewable Fuel Standards, Docket ID No. EPA-HQ-OAR-2012-0546

Dear All,

Please find attached comments submitted by Monroe Energy LLC in response to the Environmental Protection Agency's proposed rule entitled Regulation of Fuels and Fuel Additives: 2013 Renewable Fuel Standard, 78 Federal Register 9282 (February 7, 2013).

Best,

LeAnn Johnson Koch

LeAnn Johnson Koch | Perkins Coie LLP

Environment, Energy & Resources

700 13th Street, NW

Washington, DC 20005

☎ : 202.654.6209 (office)

☎ : 202.253.8152 (mobile)

leannjohnson@perkinscoie.com

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* * * * *

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To: Welti, Tyler (Perkins Coie)[TWelti@perkinscoie.com]
From: Korotney, David
Sent: Wed 4/24/2013 6:18:15 PM
Subject: RE: RFS carry-over question

The RVO in a given year is the combination of the obligated for that year plus any carryover deficits from the previous year. It is this composite RVO that is subject to the rollover cap in 80.1427(a)(5). Other than that, there are no limitations on what fraction of the composite RVO can be met with each of the different RIN vintages.

From: Welti, Tyler (Perkins Coie) [mailto:TWelti@perkinscoie.com]
Sent: Wednesday, April 24, 2013 2:10 PM
To: Korotney, David
Cc: MacAllister, Julia
Subject: RE: RFS carry-over question

We are on the same page about deficit carryovers. We're also on the same page with respect to 80.1427(a)(6) I believe.

What I'm trying to clarify is what limitations apply to a party's ability to satisfy its carryover RVO deficit from year $i-1$ with all available RINs in year i , including "carryover RINs" generated in year $i-1$ and RINs generated in year i . I do not believe there are any applicable RIN percentage requirements under the regulations. I'm hoping to confirm this though.

Thank you again

Tyler

Tyler Welti | Perkins Coie LLP
700 13th St. NW
Washington, DC 20005-3960
(202) 654-6214 office
(202) 654-9143 fax

From: Korotney, David [mailto:korotney.david@epa.gov]
Sent: Wednesday, April 24, 2013 1:27 PM
To: Welti, Tyler (Perkins Coie)
Cc: MacAllister, Julia
Subject: RE: RFS carry-over question

I think there may be a problem is the wording we're using.

There are "deficit carryovers" that pertain to RVOs, and there are RIN carryovers. These are two different things. A deficit carryover means that you do not have enough RINs to meet you RVO, and are carrying over some of it to the next year. RIN carryovers mean that you have too many RINs, and you are carryover over some of them to the next year.

Deficit carryover are described in see 80.1427(b).

RIN carryovers are described in 80.1427(a)(6) but the term "carryover RIN" is not used in the regs (it's just a term of art that most people use)

The rollover cap described in 80.1427(a)(5) applies to the use of carryover RINs, not deficit carryovers.

From: Welti, Tyler (Perkins Coie) [mailto:TWelti@perkinscoie.com]
Sent: Wednesday, April 24, 2013 12:53 PM
To: Korotney, David
Cc: MacAllister, Julia
Subject: RE: RFS carry-over question

Thank you. By "both years," I meant the RVO for year i , and the RVO for year $i-1$ that a party carried over into year i .

Can you please clarify whether, according to your reading—"RINs generated in year i can be used to meet an RVO for year $i+1$ so long as the sum of all year i RINs does not exceed 20% of the year $i+1$ RVO"—the following limitation would also apply: RINs generated in year $i+1$ can be used to meet an RVO for year i so long as the sum of all year $i+1$ RINs used to meet the RVO for year i does not exceed 20% of the year i RVO. I do not read the regulations to provide for this limitation but would appreciate your confirmation.

Thank you again,

Tyler

Tyler Welti | Perkins Coie LLP

700 13th St. NW
Washington, DC 20005-3960
(202) 654-6214 office
(202) 654-9143 fax

From: Korotney, David [<mailto:korotney.david@epa.gov>]
Sent: Wednesday, April 24, 2013 7:56 AM
To: Welti, Tyler (Perkins Coie)
Cc: MacAllister, Julia
Subject: RE: RFS carry-over question

Your description is mostly correct. However, the statement "a party could use 50% RINs generated in year $i-1$ and 50% RINs generated in year i to satisfy RVOs for both years" threw me off. I don't know what you meant by "both years".

All RINs are valid for use in meeting an RVO for the year in which those RINs were

generated or the following year. RINs expire in the third year of their life. Thus there is no limit on the number of RINs generated in year i that can be carried over into year $i+1$. However, there is a limit on how many year i RINs can be used for compliance in year $i+1$.

RINs generated in year i can be used to meet an RVO for year $i+1$ so long as the sum of all year i RINs does not exceed 20% of the year $i+1$ RVO.

From: Welti, Tyler (Perkins Coie) [<mailto:TWelti@perkinscoie.com>]
Sent: Tuesday, April 23, 2013 5:48 PM
To: Korotney, David
Cc: MacAllister, Julia
Subject: RE: RFS carry-over question

David and Julia,

Thank you for your response.

I have one related question. Are there any limitations on what year or “vintage” of RINs an obligated party must use to satisfy its RVO? In other words, I’d like to confirm that an obligated party that carries a debt over from year $i-1$ into year i , can use RINs generated in year $i-1$ and/or year i to satisfy the RVOs for both years, without limitation.

This question arises from the “rollover cap” now set forth in 40 C.F.R. § 80.1427(a)(5), which I’ve excerpted below.

(5) The value of $(\Sigma \text{RINNUM})_{i-1}$ may not exceed values determined by the following inequalities except as provided in paragraph (a)(7)(iii) of this section and § 80.1442(d):

$$(\Sigma \text{RINNUM})_{\text{CB},i-1} \leq 0.20 * \text{RVO}_{\text{CB},i}$$

$$(\Sigma \text{RINNUM})_{\text{BBD},i-1} \leq 0.20 * \text{RVO}_{\text{BBD},i}$$

$$(\Sigma \text{RINNUM})_{\text{AB},i-1} \leq 0.20 * \text{RVO}_{\text{AB},i}$$

$$(\Sigma \text{RINNUM})_{\text{RF},i-1} \leq 0.20 * \text{RVO}_{\text{RF},i}$$

My understanding of this provision, which is supported by the preamble in the Federal Register, 75 Fed. Reg. 14722–23 (Mar. 26, 2010), is that it simply prohibits a party from rolling over more than 20% of the party’s RVO in owned RINs from year i to year $i+1$. In this way, the provision inhibits the “hoarding” of RINs from one year to the next. The provision does *not* impose any sort of percentage cap on the vintage of RINs that a party may use to satisfy outstanding RVOs in any given year (i.e. a party could use say 50% RINs generated in year $i-1$ and 50% RINs generated in year i to satisfy RVOs for both years, so long as the company does not hoard more than 20% of its RVO in $i-1$ -generated RINs at one time).

I’d happy to discuss this issue if it is more convenient for you—I realize that 40 C.F.R. § 80.1427(a)(5) is a bit difficult to decode and articulate.

Thanks again,

Tyler

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From: Korotney, David [<mailto:korotney.david@epa.gov>]
Sent: Friday, April 19, 2013 2:08 PM
To: Welti, Tyler (Perkins Coie)
Cc: MacAllister, Julia
Subject: FW: RFS carry-over question

That is correct. There is no limit on the size of a deficit carryover provided those two conditions are met.

David

From: Welti, Tyler (Perkins Coie) [<mailto:TWelti@perkinscoie.com>]
Sent: Friday, April 19, 2013 11:32 AM
To: MacAllister, Julia
Subject: RFS carry-over question

Hi Julia,

I'm contacting you because you were so responsive when I contacted you regarding the comment deadline for the proposed 2013 RFS standards. I also contacted the EPA RFS fuels support line but have not heard back. If you don't want to respond, please let me know if there is a more appropriate contact for the following question/request.

I'd just like to confirm that, under the RIN carryover provisions, there are not any limitations that prevent an obligated party from carrying forward a substantial deficit for all current-year RVO categories, including biomass-based diesel, so long as the obligated party (1) complied with its RVO for the previous calendar year and (2) satisfies the RVOs for the current and next calendar years by the end of the next calendar year.

I'd really appreciate your confirmation of this point.

Thank you again,

Tyler

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